

Filed 7/31/07

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VISIBLE SYSTEMS CORPORATION,

Plaintiff

v.

Civil Action No. 04-CV-11610-RGS

UNISYS CORPORATION,

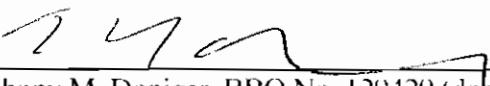
Defendant

**DEFENDANT'S SECOND RENEWED MOTION FOR
JUDGMENT AS A MATTER OF LAW**

Pursuant to Fed. R. Civ. P. 50 and 52, at the close of the plaintiff's rebuttal case, the defendant, Unisys Corporation, hereby renews its motion for judgment in its favor as a matter of law on all remaining counts of the plaintiff's First Amended Complaint and on all issues and requests for relief raised therein. The plaintiff, Visible Systems Corporation ("VSC"), has been fully heard on its claims, and there is no legally sufficient evidentiary basis on which a reasonable jury or this Court could find in favor VSC. Accordingly, for the reasons set forth in more detail in its Motion for Judgment as a Matter of Law, which is incorporated by referenced herein, Unisys hereby respectfully requests that this Court enter judgment in its favor on all counts of VSC's First Amended Complaint and resolve all issues and requests for relief therein in favor of Unisys. Furthermore, the evidence establishes as a matter of law that VSC is not entitled to exclusive trademark rights in the term **VISIBLE**. Accordingly, Unisys is entitled to judgment as a matter of law on its Counterclaim (to which plaintiff has never responded).

Received and reserved. R.B. Stevens DJ 7-31-07

Defendant,
UNISYS CORPORATION.
By Its Attorneys,

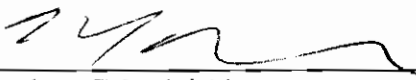


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Dated: July 31, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document was served on opposing counsel of record in open court on the above date.



Matthew C. Welnicki